

In re Application of:
Randall Ho et al.
Application No.: 09/929,295
Filed: August 13, 2001
Page 5

PATENT
Docket No.: EYEM1360

REMARKS

In the pending Office Action, claims 1 and 4 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. patent number 6,072,496 to Guenter et al in view of U.S. patent number 6,580,811 to Maurer et al.. Claims 2-3 and 5-6 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over the Guenter patent in view of U.S. patent number 5,828,769 to Burns.

Applicants respectfully traverse each of the rejections and respectfully request reconsideration of this application in light of the following remarks.

The rejection of independent claims 1 and 4 as allegedly allegedly unpatentable over the Guenter patent in of the Maurer patent are respectfully traversed. In the Office Action, the Examiner notes that "Guenter does not explicitly call for texture mapping the warped image frame onto the shaped head mesh to generate a three-dimensional frame head associated with the respective video image frame. However, in the same field of endeavor, Maurer teaches this feature. . . ." Applicant responds that the Maurer patent number 6,580,811 is a continuation of the application resulting in the Maurer patent number 6,272,231. The present application claims priority as a continuation-in-part of the Maurer patent number 6,580,811, which was a continuation of the Maurer patent number 6,272,231. The 6,272,231 patent and the 6,580,811 patent are based on the same disclosure, which was incorporated by reference into the present application at paragraph [0014] of the original specification. A review of the recently available Image File Wrapper (IFW) found that a "PRELIMINARY AMENDMENT AND CLAIM OF PRIORITY" dated December 7, 2001, and a "SUPPLEMENTAL PRELIMINARY AMENDMENT" dated April 23, 2002, are not included in the IFW. Copies of the missing preliminary amendments are attached. Also attached are copies of two Return Post Cards that accompanied the respective preliminary amendments indicating that the two preliminary amendments were received by the United States Patent and Trademark Office. The preliminary amendment dated December 7, 2001, amended the specification to include the priority claim in a

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timely manner (within four months of August 13, 2001, the filing date of this application). Applicants assert that the timely priority claim to the applications resulting in the 6,580,811 and 6,272,231 patents, and the incorporation by reference into this application of the material disclosed in the 6,272,231 patent, which is the parent of the 6,580,811 patent, removes the 6,580,811 as an available prior art reference against this application. Accordingly, independent claims 1 and 4 should now be allowed.

The rejections of claims 2 and 3, which depend on independent claim 1, and claim 5 and 6, which depend on independent claim 4, as allegedly unpatentable over the Guenter patent in view of the Burns patent, are respectfully traversed. Claims 2 and 5 recite that facial feature location sensing is performed using facial image frames generated using wavelet transformations. Claims 3 and 6 recite that facial feature location sensing is performed using facial image frames generated using Gabor wavelet transformations. Allowance of these dependent claims should follow from the allowance of the respective independent claims. Accordingly, for these reasons, the reasons presented in the earlier amendment, and the reasons given above with respect to independent claims 1 and 4, the rejections of claims 2-3 and 5-6 are improper, and claims 2-3 and 5-6 should now be allowed.

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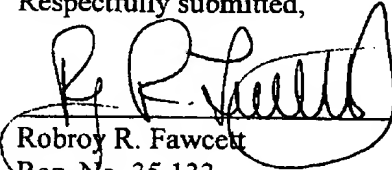
PATENT
Docket No.: EYEM1360

CONCLUSION

In view of the above remarks, reconsideration and prompt evaluation of all pending claims are respectfully requested. If any questions or issues remain, the Examiner is invited to contact the undersigned at the telephone number set forth below so that prosecution of this application can proceed in an expeditious fashion.

Respectfully submitted,

Date: March 31, 2005


Robroy R. Fawcett
Reg. No. 35,133

Telephone: (760) 738-7005
Facsimile: (775) 255-6419

1576 Katella Way
Escondido, California 92027

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ho

Group No.: 2621

Serial No.: 09/929,295

Examiner: Unknown

Filed: August 13, 2001

Docket No. EYEM1360

For: METHOD FOR GENERATING AN ANIMATED THREE-DIMENSIONAL VIDEO HEAD

CERTIFICATION UNDER 37 CFR § 1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date <u>12/07/01</u> in an envelope addressed to:	
Assistant Commissioner for Patents, Washington, D.C. 20231	
Date <u>12/07/01</u>	Signature <u>[Signature]</u>

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

PRELIMINARY AMENDMENT AND CLAIM OF PRIORITY

In advance of the first examination in this case, Applicants request amendment of the subject application, as follows:

IN THE SPECIFICATION

Page 1, immediately following the title, please insert the following:

Priority is claimed to U.S. Patent Application Serial No. 09/871,370, filed May 31, 2001, which is a continuation of U.S. Patent Application Serial No. 09/188,079, filed November 6, 1998, now U.S. Patent No. 6,272,231, which claims priority from U.S. Provisional Application No. 60/081,615, filed April 13, 1998 and are incorporated herein by this reference.

Priority is also claimed to U.S. Patent Application Serial No. 09/724,320, filed November 27, 2000, which is a continuation-in-part of U.S. Patent Application Serial No. 09/188,079, now U.S. Patent No. 6,272,231, which claims priority from U.S. Provisional Application No. 60/081,615, filed April 13, 1998 and are incorporated herein by this reference.

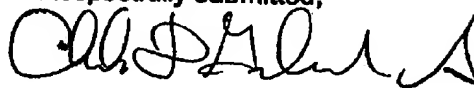
Gray Cary/IGT 6269033.1
103353-185428

REMARKS

The specification has been amended to amend the claim of priority.

This Preliminary Amendment is submitted in advance of the first examination of the subject application. No new matter has been entered.

Respectfully submitted,



CHARLES D. GAVRILOVICH, JR.
Reg. No. 41,031

Date:

GRAY CARY WARE & FREIDENRICH
4365 Executive Drive, Suite 1100
San Diego, CA 92121-2133

Telephone: 858/638-6743 Fax 858/638-6727

Gray Cary\GT\6268033.1
103353-165426

PATENT ATTORNEY DOCKET NO.: EYEM1360

The Patent and Trademark Office date stamp sets forth the receipt date of:

Applicant: Ho
Serial No.: 09/929,295Art Unit: 2621
Filing Date: 08/13/01**ENCLOSURES:**

Preliminary Amendment And Claim of Priority (2 pgs.)



Date Mail: 12-7-01

Atty/Sec: TAM/CDG/jiv

Client-Matter No.: 103353-165426

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ho, et al.

Serial No.: 09/929,295

Filed: August 13, 2001

For: METHOD FOR GENERATING AN ANIMATED THREE-DIMENSIONAL VIDEO HEAD

Group No.: 2621

Examiner: Unknown

Docket No. EYEM1360

CERTIFICATION UNDER 37 CFR § 1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date 23 April 2002 in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

Date

Signature

Assistant Commissioner for Patents
Washington, D.C. 20231

SUPPLEMENTAL PRELIMINARY AMENDMENT

In advance of the first examination in this case, Applicants request amendment of the subject application, as follows:

IN THE SPECIFICATION

Page 1, taking into account the Preliminary Amendment dated December 7, 2001, immediately following the title, please amend the passage to read as follows:

This application is a continuation-in-part of U.S. Patent Application Serial No. 09/871,370, filed May 31, 2001, which is a continuation of U.S. Patent Application Serial No. 09/188,079, filed November 6, 1998, now U.S. Patent No. 6,272,231, which claims priority from U.S. Provisional Application No. 60/081,615, filed April 13, 1998.

This application is also a continuation-in-part of U.S. Patent Application Serial No. 09/724,320, filed November 27, 2000, which is a continuation-in-part of U.S. Patent Application Serial No. 09/188,079, now U.S. Patent No. 6,272,231, which claims priority from U.S. Provisional Application No. 60/081,615, filed April 13, 1998.

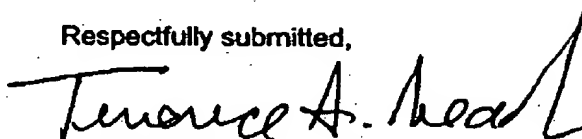
Gray Cary\GT\6290038.1
103353-165426

REMARKS

The specification has been amended to correct the claim of priority entered into the application by the Preliminary Amendment mailed on December 7, 2001.

This Preliminary Amendment is submitted in advance of the first examination of the subject application. No new matter has been entered.

Respectfully submitted,



TERRANCE A. MEADOR
Reg. No. 30,298

Date: 23 April 2002

GRAY CARY WARE & FREIDENRICH
4385 Executive Drive, Suite 1100
San Diego, CA 92121-2133

Telephone: 858/638-6747 Fax: 858/638-6727

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Page 1, immediately following the title, please insert the following:

[Priority is claimed to] This application is a continuation-in-part of U.S. Patent Application Serial No. 09/871,370, filed May 31, 2001, which is a continuation of U.S. Patent Application Serial No. 09/188,079, filed November 6, 1998, now U.S. Patent No. 6,272,231, which claims priority from U.S. Provisional Application No. 60/081,615, filed April 13, 1998 [and are incorporated herein by this reference].

[Priority is also claimed to] This application is also a continuation-in-part of U.S. Patent Application Serial No. 09/724,320, filed November 27, 2000, which is a continuation-in-part of U.S. Patent Application Serial No. 09/188,079, now U.S. Patent No. 6,272,231, which claims priority from U.S. Provisional Application No. 60/081,615, filed April 13, 1998 [and are incorporated herein by this reference].

PATENT ATTORNEY DOCKET NO.: EYEM1360

The Patent and Trademark Office date stamp sets forth the receipt date of:

Inventor Ho et al.

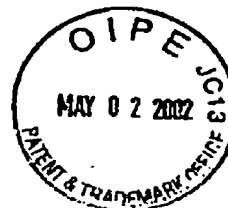
Serial No.: 09/929,295

Filed: August 13, 2001

Title: METHOD FOR GENERATING AN ANIMATED THREE-DIMENSIONAL VIDEO HEAD

Enclosed:

Supplemental Preliminary Amendment (3 pages)



Date Mailed: April 23, 2002

Atty/Sec Initials: TAM/rc Client/Matter #: 103353-165426

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